

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SAMUEL DEREK JACKSON,  
Plaintiff,  
v.  
CYNTHIA ZIMMER, et al.,  
Defendants.

) Case No.: 1:23-cv-1223 JLT HBK  
)  
) ORDER ADOPTING FINDINGS AND  
) RECOMMENDATIONS, DISMISSING THE  
) ACTION, AND DIRECTING THE CLERK OF  
) COURT TO CLOSE THE CASE  
)  
) (Doc. 13)  
)

Samuel Derek Jackson challenges his conviction in Kern County Superior Court on March 13, 2002, for lewd and lascivious acts with a minor under the age of 14 with the use of force. Plaintiff seeks to hold the defendants—who are the grandparents of the minor victim—liable for violations of his civil rights, asserting the charges against Plaintiff were false.<sup>1</sup> (Doc. 12.) The assigned magistrate judge found Plaintiff’s claims are not cognizable, because he does not identify any state actor as a defendant and the requested relief is not available under 42 U.S.C. § 1983. (Doc. 13 at 4-5.) Further, the magistrate judge determined Plaintiff’s claim is barred pursuant to under *Heck v. Humphrey*, 512 U.S. 477 (1994). (*Id.* at 5.) Therefore, the magistrate judge recommended the action be dismissed for failure to state a claim. (*Id.* at 6.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any

<sup>1</sup> Plaintiff removed Cynthia Zimmer and Velda Murillo as defendants in his amended complaint. (*Compare Doc. 1 with Doc. 12.*)

1 objections were due within 14 days. (Doc. 14 at 1.) The Court advised him that the “failure to file  
2 objections within the specified time may result in the waiver of certain rights on appeal.” (*Id.* at 1-2,  
3 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections,  
4 and the time to do so has passed.

5 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this case.  
6 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are  
7 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8       1. The Findings and Recommendations dated February 21, 2024 (Doc. 13) are  
9                   **ADOPTED.**  
10      2. Plaintiff’s first amended complaint is **DISMISSED** without leave to amend.  
11      3. The Clerk of Court is directed to close the case.

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13 IT IS SO ORDERED.

14 Dated: March 19, 2024

  
UNITED STATES DISTRICT JUDGE

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